

Brian R. Chavez-Ochoa (CA Bar No. 190289)*
chavezochoa@yahoo.com

Chavez-Ochoa Law Offices, Inc.

4 Jean Street, Suite 4
Valley Springs, CA 95252
Telephone: (209) 772-3013
Facsimile: (209) 772-3090

Johannes Widmalm-Delphonse (VA Bar No. 96040)**
jwidmalmdelphonse@adflegal.org

Alliance Defending Freedom

44180 Riverside Parkway
Lansdowne, VA 20176
Telephone: (571) 707-4655
Facsimile: (571) 707-4656

Jonathan A. Scruggs (AZ Bar No. 030505)**
jscruggs@ADFlegal.org

Alliance Defending Freedom

15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: (480) 444-0020
Facsimile: (480) 444-0028

*Counsel for Plaintiffs The Babylon Bee, LLC
and Kelly Chang Rickert*

**Local Counsel*

***Admitted pro hac vice*

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

**The Babylon Bee, LLC, and Kelly
Chang Rickert,**

Plaintiffs,

v.

Robert A. Bonta, et al.,

Defendants.

Civil No. 2:24-cv-02787-WBS-SCR

Notice of Related Case

Judge William B. Shubb

1 1. Pursuant to Local Rule 123, Plaintiffs notify the Court of
2 the following related case: *Kohls v. Bonta*, Case No. 24-cv-2527,
3 filed Sept. 17, 2024.

4 2. *Kohls v. Bonta* shares many similarities with this case.
5 Both cases involve the same defendants: Rob Bonta and Shirley N. We-
6 ber. Both cases involve similar claims against the same California
7 laws: First and Fourteenth Amendment claims against AB 2839 and AB
8 2655. Cal. Const. art. V, § 13; Cal. Elec. Code § 20516. Both cases
9 involve plaintiffs who want to engage in speech prohibited by AB
10 2839, including some of the same speech. *Compare* V. Compl. ¶¶ 5-7,
11 *Kohls v. Bonta*, No. 24-cv-2527 (Sept. 17, 2024), ECF No. 1 (describ-
12 ing fictitious Kamala Harris campaign ad), *with* V. Compl. ¶¶ 119-21,
13 *The Babylon Bee, LLC v. Bonta*, No. 24-cv-2787 (Sept. 30, 2024), ECF
14 No. 1 (describing same fictitious ad). Both cases involve similar
15 questions of law too: whether AB 2839 and AB 2655 unconstitutionally
16 regulate the speech of everyday citizens and organizations who want
17 to speak about the upcoming presidential election. *Compare* V. Compl.
18 ¶¶ 4-16, *Kohls*, ECF No. 1, *with* V. Compl. ¶¶ 1-6, ECF No. 1 (this
19 case).

20 3. Plaintiffs initially filed this action in the Central Dis-
21 trict of California. The Central District Court recognized that these
22 two cases “involve[] substantially similar issues and parties.” Min.
23 Order, ECF No. 15 (this case).

24 4. Judge Mendez of this district then granted an injunction in
25 *Kohls v. Bonta*, enjoining AB 2839 for being a content-based regula-
26 tion of speech that violated the plaintiff’s First Amendment rights.
27 Plaintiffs *The Babylon Bee, LLC*, and Kelly Chang Rickert seek the
28

1 very same relief in their pending motion for a preliminary injunc-
2 tion. Appl. TRO or Mot. Prelim. Inj. 1-4, ECF No. 12 (this case).

3 5. After this Court issued its preliminary injunction, the
4 Central District Court transferred this case to the Eastern District
5 because "the balance of factors favor[ed] transfer" and transferring
6 the case would "serve the interests of justice and the convenience of
7 the parties and witnesses." Order, ECF No. 33 (this case).

8 6. Given the significant overlap between these two cases in
9 questions of fact, law, and requests for relief, and given that Judge
10 Mendez has already ruled on the legal issues presented in Plaintiffs'
11 motion for preliminary injunction, assigning this action to Judge
12 Mendez will likely save substantial judicial and party resources.

1 DATED: October 16, 2024

2 s/ Johannes Widmalm-Delphonse
3 Johannes Widmalm-Delphonse
4 Counsel for Plaintiffs

5 **PROOF OF SERVICE**

6 I hereby certify that I filed a true and accurate copy of the
7 foregoing document with the Clerk of Court using the CM/ECF system,
8 which automatically sends an electronic notification to all attorneys
9 of record.

10 DATED this 16th day of October, 2024.

11 s/ Johannes Widmalm-Delphonse
12 Johannes Widmalm-Delphonse
13 Counsel for Plaintiffs
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28